

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2007 MAR -9 AM 10:32

LORETTA G. WHYTE
CLERK



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: SPECIFIED
RESTITUTION ORDERS**

* **MISCELLANEOUS NO.**

*

* * *

**MOTION TO AMEND JUDGMENT
AND PROBATION/COMMITMENT ORDERS**

NOW INTO COURT, through the undersigned Assistant United States Attorney, comes the United States of America, and moves for entry of an order directing the Clerk of Court to amend the records to reflect that Capital One, N.A. is the true victim in all these cases in which, and to the extent that, Hibernia National Bank is designated as the victim for the following reasons:

1. Hibernia National Bank changed its name to Capital One, N.A., effective April 24, 2005; a copy of the correspondence with the Comptroller of the Currency is attached hereto as Exhibit A.
2. As a result of the name change, Capital One, N.A. is the beneficiary of restitution in every case in which restitution was ordered in favor of Hibernia National Bank.

Fee _____
 Process _____
 Dktrl _____
 CtRrnDep _____
 Doc. No _____

3. This Court has entered numerous judgments ordering defendants to pay restitution to

Hibernia National Bank in the following cases:

Case#	Defendant Name
82-184B	Nile J. Vincent
84-493F	Verda D. Jackson
85-238C	Dawn L. Lowery
89-505K	Ernest M. Serio
93-188L	Michael A. Thames
93-355E	Darlene Gill
94-228A	Sidney L. Mayley
95-379M	Keith G. Williams
96-157E	John R. Gant
96-317J	Robert Claiborne
96-353J	Belinda Herron
96-353J	Troy Jones
97-210F	Gary Wayne Agnew
97-282M	Men T. Tran
97-298L	David A. Whitaker
97-315K	Anthony Coleman
98-151N	Thomas Leggett
98-153S-1	Cuong V. Son
98-175N-3	Anthony T. Dunlap
98-260I-1	Michael Martin
99-057K	Krytal Diaz
99-221S-1	Delaine Lawrence
99-222N-1	Jonathan Coleman
99-222N-2	Malcolm Lawrence
99-237F-1	Ruesow Wilson
99-281L-1	Ray J. Mitchell
99-323R-1	Mona Williams
99-352K	Ronnie White
99-352K	Brian Neville Loper
99-354F-2	Randall Holloway
99-354F-4	Gregory J. Hernandez
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99-395L-1	Luther Squalls
99-395L-3	Anthony Riley
99-395L-4	Prentiss Martin
99-395L-5	Kim Hester
99-395L-6	Jean Perkins
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00-089F-1	Kaseddra Baham
00-158L	Oscar Myles
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Case#	Defendant Name
00-321N12	Kenneth Richmond
00-366B	John Randolph Gant
00-393R-1	Teddy Singleton, Jr.
01-072N-1	Thair Elabed
01-115S-1	Derryl Scott
01-144B-1	Kathleen Barrilleaux
01-193J-1	Isaac Ronald Skinner, Jr.
01-280A	Saul Curley
01-333B	Douglas Jones
02-087N-1	Louis S. Brown
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04-311L-1	Tramia James
04-318K	Leon Christopher Henry
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05-052J-1	Raymond C. Reggie
05-084L-1	Shelly M. Roussell
05-194C-1	Andre Hall
05-212I	Toris Young
05-225L	Dorian J. Francis


4. In light of the name change of Hibernia National Bank to Capital One, N.A., the United States requests that the Court issue an order requiring the Clerk of Court to disburse and mail all future restitution payments previously ordered to be paid to Hibernia National Bank to:

Capital One
Consumer Recovery Department
Post Office Box 152409
Irving, Texas 75015-2409

Considering the foregoing, the United States of America prays that this motion be granted.

Respectfully submitted,

JIM LETTEN
UNITED STATES ATTORNEY


Thomas L. Watson
Assistant United States Attorney
Bar Roll No. 6997
500 Poydras Street, Second Floor
New Orleans, LA 70130
Telephone:(504) 680-3054

Capital One®

April 24, 2005

Mr. Randy Ryskamp
District Counsel
Comptroller of the Currency
Administrator of National Banks
Southern District Office
500 N. Akard, Suite 1600
Dallas, TX 75201-3323

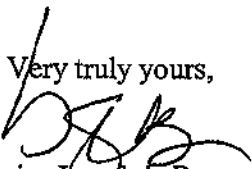
Re: Hibernia National Bank
Change of Corporate Title

Dear Mr. Ryskamp,

In accordance with 12 C.F.R. § 5.42 (d) (1) and (2), please find enclosed a certified copy of the written consent resolution of the sole shareholder of Hibernia National Bank, Capital One Financial Corporation, changing the name of Hibernia National Bank to Capital One, National Association effective today, April 24, 2006.

If you have any questions or require further information, please do not hesitate to call.

Very truly yours,



Denise Langlois Brown
Corporate Counsel

Cc: Karen Bryant, Licensing Director
Enclosures



**WRITTEN CONSENT OF SOLE SHAREHOLDER
OF
HIBERNIA NATIONAL BANK**

MARCH 15, 2006

Capital One Financial Corporation, the holder of all of the issued and outstanding capital stock of Hibernia National Bank, a national banking association (the "Bank"), in accordance with Article IX of its articles of association, does hereby adopt the following resolution, such resolution to be effective April 24, 2006:

RESOLVED, that the Articles of Association of the Bank be, and the same hereby are, amended by restating Article I to read:

Name

The name of the association shall be "Capital One, National Association."

IN WITNESS WHEREOF, the undersigned has executed this Written Consent as of the date first above written.

CAPITAL ONE FINANCIAL CORPORATION

By: 
John G. Finneran, Jr.
Corporate Secretary

Capital One Confidential

**CERTIFICATE OF ASSISTANT SECRETARY
OF
HIBERNIA NATIONAL BANK**

I, Jean K. Traub, Assistant Secretary of Hibernia National Bank, a national banking association (the "Bank"), do hereby certify that as of March 15, 2006, Capital One Financial Corporation constituted the sole shareholder of the Bank entitled to vote with respect to the subject matter of the written consent of the sole shareholder of the Bank as of such date.

IN WITNESS WHEREOF, this Certificate has been executed as of the 15th day of March 2006.

By: Jean K. Traub
Jean K. Traub
Assistant Secretary
HIBERNIA NATIONAL BANK



**Comptroller of the Currency
Administrator of National Banks**

Southern District Licensing
500 North Akard, Suite 1600
Dallas, Texas 75201-3323

April 26, 2006

Denise Langlois Brown
Corporate Counsel
Capital One, National Association
Post Office Box 61540
New Orleans, LA 70161-1540

RE: Change in Corporate Title
Control No. 2006-SO-04-0007

Dear Ms. Brown:

The Office of the Comptroller of the Currency (OCC) has received your letter concerning the title change and the appropriate amendment to the Articles of Association. The OCC has recorded that as of April 24, 2006, the title of Hibernia National Bank, Charter No. 13688, will change to *Capital One, National Association*.

As a result of the Garn-St. Germain Depository Institutions Act of 1982, the OCC is no longer responsible for the approval of national bank name changes, nor does it maintain official records on the use of alternate titles. The use of other titles or the retention of the rights to any previously used title is the responsibility of the bank's Board of Directors. Legal counsel should be consulted to determine whether or not the new title, or any previously used title, could be challenged by competing institutions under the provisions of federal or state law.

If you have questions, please contact Licensing Applications Technician Corina Escalona by e-mail at corina.escalona@occ.treas.gov or by telephone at (214) 720-7052.

Yours truly,

Joseph T. Burbridge
Senior Licensing Analyst

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF ORLEANS

Before me, the undersigned notary public, qualified in the parish and state aforesaid, personally came and appeared, Gerard Kuhn, Assistant Vice President for Capital One, N.A., formerly known as Hibernia National Bank, who after being duly sworn by me, did depose and state:

1. That, based upon the information provided to Capital One, N.A., by the United States District Court, Eastern District of Louisiana, restitution was ordered in favor of Hibernia National Bank in the following criminal cases:

<u>Case#</u>	<u>Defendant Name</u>
82-184B	Nile J. Vincent
84-493F	Verda D. Jackson
85-238C	Dawn L. Lowery
89-505K	Ernest M. Serio
93-188L	Michael A. Thames
93-355E	Darlene Gill
94-228A	Sidney L. Mayley
95-379M	Keith G. Williams
96-157E	John R. Gant
96-317J	Robert Claiborne
96-353J	Belinda Herron
96-353J	Troy Jones
97-210F	Gary Wayne Agnew
97-282M	Men T. Tran
97-298L	David A. Whitaker
97-315K	Anthony Coleman
98-151N	Thomas Leggett

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98-175N-3	Anthony T. Dunlap
98-260I-1	Michael Martin
99-057K	Krystal Diaz
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99-222N-1	Jonathan Coleman
99-222N-2	Malcolm Lawrence
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99-323R-1	Mona Williams
99-352K	Ronnie White
99-352K	Brian Neville Loper
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00-089F-1	Kaseddra Baham
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05-084L-1	Shelly M. Roussell
05-194C-1	Andre Hall
05-212I	Toris Young
05-225L	Dorian J. Francis

2. That Hibernia National Bank changed its name to Capital One, N.A., effective April 24, 2005.

3. As a result of the name change, Capital One, N.A. is the beneficiary of restitution in every case in which restitution was ordered in favor of Hibernia National Bank.

4. Therefore, the restitution order in favor of Hibernia National Bank should be amended *nunc pro tunc* to reflect that Capital One, N.A. is the true and correct victim and is entitled, as per the information provided to Affiant by the District Court, Eastern District of Louisiana, to restitution pursuant to the Judgment and Probation/Commitment Orders as follows:

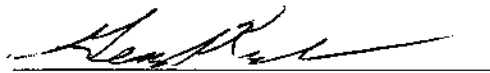
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02-325I-1	Leona Tate
03-034A-1	Lionel J. Mansion, Jr.
03-034A	Janice Marie Isom
03-034A	Roland Chaisson
03-117A-1	Bryant Martin
03-216C-1	Terri Smith Morant
03-240I-1	Nadine Page
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03-276L-1	Robert Olivares

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05-084L-1	Shelly M. Roussell
05-194C-1	Andre Hall
05-212I	Toris Young
05-225L	Dorian J. Francis

I declare under penalty of perjury that the foregoing is true and correct.

Capital One, N.A., formerly known as
Hibernia National Bank



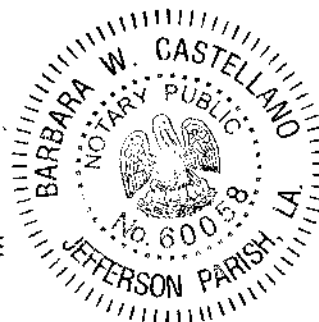
Gerard Kuhn
Assistant Vice President

Sworn to and subscribed before me this
24th day of November 2006.

Barbara W. Castellano

NOTARY PUBLIC
123859.bwc

BARBARA W. CASTELLANO
NOTARY PUBLIC #60058
JEFFERSON PARISH
MY COMMISSION IS ISSUED FOR LIFE



NOV 24 2006
JEFFERSON PARISH, LA



Randall C. Roth

Vice President and Staff Attorney
Randall.Roth@capitalonebank.com

Barbara W. Castellano, Paralegal

Barbara.Castellano@capitalonebank.com

Bank Legal Department
Place St. Charles, 26th Floor
201 St. Charles Avenue
New Orleans, LA 70170

November 24, 2006

Joan Holub
Office of the United States Attorney
Eastern District of Louisiana
Hale Boggs Federal Building
500 Poydras Street, Second Floor
New Orleans, LA 70130

RE: Restitution Payments to Capital One
(formerly known as Hibernia National Bank)

Dear Ms. Holub:

Thank you for your letter dated November 3, 2006 regarding the above referenced matter. I am enclosing our revised Motion to Amend Judgment and Probation/Commitment Order, copies of correspondence with the OCC regarding the name change, and an Affidavit executed by Capital One, N.A. to be used as an exhibit for the Motion.

Thank you very much. Please call me at 533-2239, or Randy Roth at 533-2166, if you have any questions or should need anything further.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Castellano".

Barbara W. Castellano
Bank Legal Department

C: Beth – Financial Accounting
123861.bwc

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2007 MAR -9 AM 10: 36

LORETTA G. WHYTE
CLERK *LR*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: SPECIFIED * MISCELLANEOUS NO.
RESTITUTION ORDERS *
* * ***

O R D E R

Considering the foregoing motion,

IT IS HEREBY ORDERED that the Clerk of Court disburse and mail all future restitution payments in favor of Hibernia National Bank in the following cases to Capital One, N.A., Consumer Recovery Department, Post Office Box 152409, Irving, Texas, 75015-2409:

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05-225L	Dorian J. Francis

New Orleans, Louisiana, this 5th day of March, 2007.


UNITED STATES DISTRICT JUDGE